

**UNITED STATES BANKRUPTCY COURT**

**MIDDLE DISTRICT OF TENNESSEE**

In re		)	
Teresa Dianne Alexander	14-04908	)	<b><u>UNDER SEAL</u></b>
Brian and Davelynn Averitt	14-08069	)	Misc. Proc. Case No.
Lyle Bain	14-09083	)	
Amber Z Hall Bean	14-07883	)	
Marc Sean Brown	14-04608	)	
Timothy Bullard	14-07202	)	
Alexis Debardeleben	14-06000	)	
Alena Evans	14-05469	)	
Joseph Frances and Susan	14-06215	)	
Ferreri-Frances			
Wanda Fields	14-05073	)	
Cassandra Garrett	14-06544	)	
Tonya Gentry	13-09341	)	
Allen Graham	14-06648	)	
Tamika Griffin	14-09024	)	
Susan Hambrock	13-08684	)	
George Jennings	14-07985	)	
Saunda Jo McKissack	14-02662	)	
Adam and Melody Neely	14-09167	)	
Henry and Jennifer Poe	14-07458	)	
Donita Roberson	14-05548	)	
Derrick Seay	14-06527	)	

Rodney and Mary Ann Smith	14-07529	)
Kenneth and Donna Ward	14-06782	)
Earl Warren	14-06193	)
Dawn Wooten	14-07271	)

### **MOTION TO RESTRICT PUBLIC ACCESS TO DOCUMENTS**

Pursuant to sections 105(a) and 107(c) of title 11 of the United States Codes (the “Bankruptcy Code”, Rule 9037 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 9037-1, the above listed debtors, by and through their counsel, hereby move this Court to restrict remote electronic access to the Designated Filings, including but not limited to motions and other pleadings, attachments thereto, and Proofs of Claim and attachments thereto, filed in the debtors’ bankruptcy cases. This request to restrict public access to documents is made to protect certain confidential customer and personally identifiable information (“PII”) contained in the Designated Filings, including information provided which is considered personal information according to T.C.A. § 47-18-2107. In support of this motion (the “Motion”), the debtors respectfully state as follows:

### **BACKGROUND**

1. Counsel for the above-referenced debtors (hereinafter “Debtors”) reviewed the claims filed by creditors in these cases and have found Personally Identifiable Information (“PII”) prohibited by Federal Rule of Bankruptcy Procedure 9037 and/or T.C.A. § 47-18-2107 on the claims referenced below.
2. Counsel for the Debtors, in an effort to avoid further exposure of the Debtors’ PII to unauthorized access or misuse for identity theft or other harmful purposes, is requesting the permanent restriction of access to the Designated Filings as provided by Local Bankruptcy Rule 9037-1. Debtors reserve their rights to file a Motion for other relief pursuant to Local Rule 9037-1 at a later date.

3. The relief sought by this Motion is not intended to have, nor will it have, any substantive or material effect upon the validity, priority of status of the claim, as originally filed or as amended, any orders allowing or disallowing or otherwise relating to the claim, any deadlines for objecting to the claim, any assignments of the claim or any distribution made or to be made upon the claim or assigned claim. Rather, the relief sought herein is intended solely to restrict public access to the claim so as to protect the privacy of the Debtors and to prevent identity theft and other untoward results possibly arising from public disclosure of the personal data identifiers. Neither this Motion nor the Order sought to be entered with respect to this Motion will affect the substantive rights of the Debtors, the trustee, any creditor or any other party in interest.

#### **DETAILS ON IMPACTED DEBTORS AND CREDITORS**

4. Teresa Dianne Alexander, Bankruptcy Case 14-04908, claim number 4 filed by Hermitage TN Endoscopy ASC LLC dba: Associated Endoscopy on August 26, 2014. Attached to the claim is a copy of an Account Inquiry, which shows the debtor's full Account Number and Personal Medical Information.
5. Teresa Dianne Alexander, Bankruptcy Case 14-04908, claim number 3 filed by Associates in Gastroenterology on August 26, 2014. Attached to the claim is a copy of an Account Inquiry, which shows the debtor's full Account Number and Personal Medical Information.
6. Brian and Davelynn Averitt, Bankruptcy Case 14-08069, claim number 8 filed by Sumner Anesthesia Assoc. Inc. on November 12, 2014. Attached to the claim is a copy of a Statement, which shows the debtor Brian Averitt's full Account Number and Personal Medical Information.
7. Lyle Bain, Bankruptcy Case 14-09083, claim number 5 filed by Premiere Credit of North America for Vanderbilt Medical Group on December 5, 2014. Attached to the claim is an Account Screen, which shows the debtor's full Account Number.
8. Amber Z. Hall Bean, Bankruptcy Case 14-07883, claim number 4 filed by Southeast Financial CU on October 22, 2014. Attached to the claim is a copy of the Membership and Account Application, which shows the debtor's full Social Security Number, full Driver's License Number, and full Date of Birth. The Membership and Account

Application also shows the full Social Security Number, Driver's License Number and Date of Birth for non-filing co-debtor Antonio B. Bean.

9. Marc Brown, Bankruptcy Case 14-04608, claim number 23 filed by Farmingham Woods Homeowners Association, Inc. on October 6, 2014. Attached to the claim is an Account Statement, which shows the debtor's full Account Number.
10. Timothy Bullard, Bankruptcy Case 14-07202, claim number 12 filed by A-1 Quick Cash LLC on October 15, 2014. Attached to the claim is a copy of debtor's personal check number 173, which shows the debtor's full Financial Account Number.
11. Alexis Debardeleben, Bankruptcy Case 14-06000, claim number 12 filed by Greenstreet Cash Advance on September 8, 2014. Attached to the claim is a copy of the debtor's personal check number 139, which shows the debtor's full Account Number.
12. Alena Evans, Bankruptcy Case 14-05469, claim number 9 filed by Rutherford Credit on October 5, 2014. The Proof of Claim shows debtor's full Account Number. Attached to the claim is a copy of the Loan Agreement, which also shows the debtor's full Account Number.
13. Joseph Frances and Susan Ferreri-Frances, Bankruptcy Case 14-06215, claim number 2 filed by FMAC on August 20, 2014. Attached to the claim is a copy of the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines, which shows the debtors' full Social Security Numbers. Also attached is a copy of a check, which shows debtor Susan Ferreri-Frances's full Date of Birth.
14. Wanda Fields, Bankruptcy Case 14-05073, claim number 15 filed by Wisconsin Electric Power Company on November 12, 2014. Attached to the claim is a copy of the Account Analysis, which shows the debtor's full Account Number.
15. Cassandra Garrett, Bankruptcy Case 14-06544, claim number 9 filed by InSolve Auto Funding, LLC on November 12, 2014. Attached to the claim is a copy of the Retail Purchase Agreement, which shows debtor's full Date of Birth.
16. Tonya Gentry, Bankruptcy Case 13-09341, court docket number 45 filed by Delbert Services Corporation, by and through counsel, on May 23, 2014. The filing is a Response of Delbert Services Corporation to the Objection of Debtor Tonya Gentry to Claim Number 9. Attached to the Response is a copy of Amended Proof of Claim 9-2 filed in the same case, which shows the debtor's full Account Number.

17. Tonya Gentry, Bankruptcy Case 13-09341, claim number 9-2 filed by Delbert Services Corporation on May 22, 2014. Attached to the claim is a copy of a Notice of Loan Transfer, which shows the debtor's full Account Number.
18. Allen Graham, Bankruptcy Case 14-06648, claim number 6 filed by A-1 Quick Cash, LLC on October 28, 2014. Attached to the claim is a copy of the debtor's personal check number 1014, which shows the debtor's full Financial Account Number.
19. Tamika Griffin, Bankruptcy Case 14-09024, claim number 4 filed by Snodgrass-King Pediatric Dental Associates, PC on December 4, 2014. Attached to the claim is a copy of a Statement of Services Rendered, which shows debtor's full Account Number. The Statement of Services Rendered also shows the names and Personal Medical Information of debtor's minor children.
20. Susan Hambrock, Bankruptcy Case 13-08684, claim number 6 filed by World Cash Services, LLC on October 17, 2013. Attached to the claim is a copy of debtor's personal check number 2415, which shows debtor's full Financial Account Number. Also, attached is a copy of the Consumer Credit Disclosure Agreement, which shows the debtor's full Account Number.
21. George Jennings, Bankruptcy Case 14-07985, claim number 11 filed by Prog Finance, LLC on November 12, 2014. Attached to the claim is a copy of the Lease with Purchase Rights Agreement, which shows debtor's Lease Number and and Financial Routing Number inadequately "redacted" with pen scratch marks.
22. Saunda Jo McKissick, Bankruptcy Case 14-02662, claim number 3 filed by Community Housing Partnership of Williamson County on April 15, 2014. Attached to the claim is a copy of the debtor's Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines, which shows the debtor's full Social Security Number.
23. Adam and Melody Neely, Bankruptcy Case 14-09167, claim number 2 filed by Premier Medical Group PC on December 5, 2014. Attached to the claim is a Billing Summary, which shows the full Date of Birth and Patient Number for debtor Melody Neely, as well as the full Dates of Birth, Patient Numbers and names of debtors' minor children. Also, attached is a copy of the debtors' Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines, which shows the debtors' full Social Security Numbers.

24. Henry and Jennifer Poe, Bankruptcy Case 14-07458, claim number 8 filed by Robert T. Winfree and Gregory Denton DDS on October 14, 2014. Attached to the claim is a Statement of Account, which shows Personal Medical Treatment Information. Also, attached is a copy of the debtors' Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines, which shows the debtors' full Social Security Numbers.
25. Donita Roberson, Bankruptcy Case 14-05548, claim number 20, filed by Cash N Dash on November 14, 2014. Attached to the claim is a copy of debtor's personal check number 231, which shows the debtor's full Loan Number.
26. Donita Roberson, Bankruptcy Case 14-05548, claim number 19, filed by Title Cash of Tennessee on November 14, 2014. Attached to the claim is a copy of debtor's personal check number 243, which shows the debtor's full Loan Number.
27. Derrick Seay, Bankruptcy Case 14-06527, claim number 33-1 filed by Cumberland Electric on December 4, 2014. The Proof of Claim includes the debtor's full Account Number.
28. Rodney and Mary Ann Smith, Bankruptcy Case 14-07529, claim number 7 filed by Wilson Bank & Trust on October 16, 2014. Attached to the claim is a copy of a Credit Application, which shows debtors' full Social Security Numbers and full Dates of Birth.
29. Kenneth and Donna Ward, Bankruptcy Case 14-06782, claim number 10-1 filed by Tennessee Women's Care on September 12, 2014. Attached to the claim is an Account Information Report, which shows debtor Donna Ward's full Account Number and Personal Medical Information. Also, attached is a Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines, which shows both debtors' full Social Security Numbers.
30. Earl Warren, Bankruptcy Case 14-06193, claim number 1-1 filed by The Housing Fund on August 25, 2014. Attached to the claim is the Collection Information Sheet, which shows the debtor's full Account Number, full Social Security Number, and full Date of Birth.
31. Dawn Wooten, Bankruptcy Case 14-07271, claim number 11 filed by McHenry County Federal Credit Union on December 15, 2014. Attached to the claim is the Credit and Security Agreement, which shows the debtor and non-filing co-debtor's full Dates of Birth and debtor's full Account Number.

**RELIEF REQUESTED**

WHEREFORE, debtors request that the Court enter an Order, (i) directing the Clerk of the Court to restrict remote access to the Designated Filings pursuant to the Bankruptcy Rules, and (ii) granting such other relief as the Court deems appropriate.

Dated: December 16, 2014

Respectfully Submitted,

Podis & Podis

/s/ Mark R. Podis

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 16, 2014, a true and exact copy of the foregoing document was served via first-class U.S. mail, postage prepaid, to the creditors listed and their respective listed attorneys of record. A copy of all addresses served is included in Exhibit 1.

/s/ Mark R. Podis

Mark R. Podis